

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ACRES 4.0, a Nevada Corporation,  
Plaintiff,

v.

IGT, a Nevada Corporation,  
Defendant.

IGT, a Nevada Corporation,  
Counterclaimant,

v.

ACRES 4.0, a Nevada Corporation; Acres  
Manufacturing Company, a Washington  
Corporation; and John Acres, an individual,  
Counterdefendants.

Case No. 2:21-cv-01962-GMN-BNW  
**(PROPOSED) STIPULATED  
SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 26(f), Local Rule 26-1, and Local Patent Rule 1-3 et seq., Plaintiff-Counterdefendant Acres 4.0 and Counterdefendants Acres Manufacturing Company and John Acres, by their attorneys, and Defendant-Counterclaimant IGT, by its attorneys, (collectively, the “Parties”) hereby stipulate and request that the following Proposed Scheduling Order be entered by the Court in the above-captioned action. The Parties filed a Proposed Stipulated Discovery Plan and Scheduling Order on April 12, 2022. *See* ECF No. 45. During a May 24, 2022 hearing, Magistrate Judge Weksler resolved disputes between the Parties concerning provisions of the Proposed Stipulated Discovery Plan and Scheduling Order. Magistrate Judge Weksler also instructed the parties to submit a proposed schedule if the Parties could reach agreement. *See* ECF No. 76. Pursuant to that instruction, the Parties submit the stipulated Proposed Scheduling Order below.

Event	IGT's Proposed Deadline
1. Fact Discovery Cut-Off	<b>February 23, 2023</b>  [291 days after first defendant answered on 2/28/2022 + 69 days for Acres to supplement NIC]
2. Disclosure of Non-Infringement, Invalidity, and Unenforceability Contentions  2(a). Disclosure of Supplemental Non-Infringement Contentions and LPR 1-9 Document Production	<b>April 12, 2022</b> [14 days after discovery-planning conference]  <b>June 21, 2022</b> (by June 10, 2022 Acres will make available its source code for inspection in New York)
3. Disclosure of Response to Invalidity and Unenforceability Contentions  3(a). Asserted Claims, and Infringement Contentions	<b>June 2, 2022</b> [per party agreement]  <b>August 5, 2022</b> [45 days after Disclosure of Non-Infringement, Invalidity, and Unenforceability Contentions, which Acres served on April 12, 2022]
4. Exchange of Proposed Terms for Construction <sup>1</sup>	<b>September 6, 2022</b> [33 days later]^
5. Exchange of Preliminary Claim Constructions and Extrinsic Evidence	<b>September 20, 2022</b> [14 days later]
6. Submit Joint Claim Constructions and Prehearing Statement	<b>October 4, 2022</b> [14 days later]
7. Opening Claim Construction Brief	<b>October 25, 2022</b> [21 days later]
8. Motions to Amend Pleadings/Parties	<b>November 23, 2022</b> [92 days to close of discovery]^
9. Response to Claim Construction Brief	<b>November 15, 2022</b> [21 days after opening brief]
10. Reply Claim Construction Brief	<b>November 22, 2022</b> [7 days later]

<sup>1</sup> Acres intends to file a motion for leave to amend its Non-Infringement Contentions after IGT serves its "Identification of Asserted Claims and Infringement Contentions." Acres believes that this motion will impact the agreed schedule. IGT has not agreed to include Acres' motion in the schedule at this time because it believes any such motion would be premature at this stage of the case.

Event	IGT's Proposed Deadline
11. Claim Construction Tutorials, Hearing, and Order	<b>Tutorials and Hearing: January 20, 2023</b> [59 days later due to holidays] <b>Order: March 21, 2023</b> [60 days later] [Within 60 days after the Reply brief is filed, the Court will complete its Hearing, and issue its Order within an additional 60 days. If the Court is unable to issue its Order within 120 days after submission of the Reply brief, the Court may reset expert disclosure deadlines as requested by a party or stipulation.]
12. Disclosure of Amended Contentions under LPR 1-18a and Opinion of Counsel Defense under LPR 1-18b	<b>April 20, 2023</b> [30 days after the Claim Construction Order]^
13. Opening Expert Disclosures	<b>May 22, 2023</b> [62 days after Claim construction Order issued by court]^
14. Rebuttal Expert Disclosures	<b>June 21, 2023</b> [30 days later]
15. Expert Discovery Cut-Off	<b>July 21, 2023</b> [30 days after Rebuttal Expert Designations]^
16. Dispositive Motion Deadline	<b>August 21, 2023</b> [31 days after expert discovery closes]^

^Any deadlines scheduled to fall on a Saturday, Sunday, or holiday, were pushed to the next business day.

STIPULATED AND AGREED to this 9th day of June 2022.

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**ORDER**

IT IS ORDERED that ECF No. 82 is GRANTED.

IT IS FURTHER ORDERED that ECF No. 83 is GRANTED. Accordingly,  
the hearing set for 6/13/2022 is VACATED.

IT IS FURTHER ORDERED that ECF No. 45 is DENIED as moot.

IT IS SO ORDERED

DATED: 1:11 pm, June 10, 2022



BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE